

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>
Office: (317) 232-2701
Facsimile: (317) 232-6758

IN RE AN EMERGENCY COMPLAINT)
AGAINST NORTHERN INDIANA PUBLIC)
SERVICE COMPANY ("NIPSCO") BY)
THE COUNTY OF LAPORTE INDIANA)
AND THE CITY OF MICHIGAN CITY)
INDIANA RELATING TO THE PRACTICES)
AND ACTS AFFECTING OR RELATING)
TO THE SERVICE OF NIPSCO AS BEING)
UNSAFE, UNREASONABLE AND)
INSUFFICIENT PURSUANT TO IC 8-1-2-54,)
AND REQUEST FOR COMMISSION)
INVESTIGATION PURSUANT TO IC 8-1-2-58)
AND REQUEST FOR AN INTERIM STATUS)
QUO ORDER)

CAUSE NO. 42194

FILED

JAN 22 2003

INDIANA UTILITY
REGULATORY COMMISSION

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") made the following entry in this Cause:

On January 14, 2003, the LaPorte County Board of Commissioners, Michigan City, Indiana, County of Lake, Lake County Council, City of Plymouth, City of LaPorte and the Office of the Utility Consumer Counselor ("OUCC") filed a *Joint Request for a Field Hearing* ("Joint Motion") in this Cause. In their Joint Motion, the parties indicate that: "Due to the complex issues involving local communities in northern Indiana, as demonstrated by the multiple parties to this action, and the difficulties in travel to have all interested parties attend the hearing in Indianapolis, the Parties to this motion believe that the interests of justice would be served by a field hearing." Joint Motion at 2.

On January 16, 2003, Northern Indiana Public Service Company ("NIPSCO") filed its *Response in Opposition to the Joint Motion for a Field Hearing or, in the Alternative, a Motion for an Extension of the Procedural Schedule* ("Response") in this matter. In its Response, NIPSCO indicates that all Parties to this Cause have jointly requested that the procedural schedule be revised on several occasions to allow for ongoing settlement discussions. NIPSCO further indicates that throughout the pendency of this proceeding, there has been no indication from the Complaints or the OUCC that a field hearing would be requested. At this juncture of this proceeding, which was initiated almost one-year ago, NIPSCO contends that the request for a field hearing is untimely and potentially prejudicial to NIPSCO in light of the current procedural schedule. NIPSCO indicates in its Response that, if the Commission believes that a field hearing is appropriate, the Parties January 22, 2003 prefiling date and the January 28, 2003 Evidentiary Hearing should be extended to a time following the field hearing.

The Presiding Officers, having reviewed the Joint Motion, and Response, filed in this Cause hereby take the Joint Motion under advisement and GRANT NIPSCO's request to extend the Parties January 22, 2003 prefilng date. Based on our review of the Joint Motion, and Response, it is apparent that the Parties have been involved in ongoing settlement discussions in this matter. Prior to ruling on the Joint Motion, which if granted would necessitate the expenditure of additional resources on the part of the Parties and the Commission, the Presiding Officers believe that the Commission should be fully advised regarding the prospect of settlement in this proceeding. Therefore, we hereby convert the January 28, 2003, Evidentiary Hearing to a Settlement Hearing. At the Settlement Hearing, Counsel for all Parties should appear and be prepared, either jointly, or individually, to advise the Presiding Officers regarding the prospect of settlement in this Cause. If the Parties have entered into a Settlement Agreement, the agreement should be filed with the Commission prior to the Settlement Hearing, and the Parties should be prepared to enter the agreement into the record on January 28, 2003.¹

IT IS SO ORDERED.



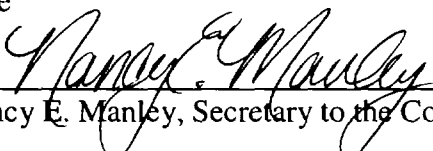
David W. Hadley, Commissioner



Scott R. Storms, Chief Administrative Law Judge

1/22/03

Date



Nancy E. Manley, Secretary to the Commission

¹ While the Presiding Officers strongly encourage the Parties to attempt to resolve this matter agreement, following the Settlement Hearing the Presiding Officers will schedule a new date for the Evidentiary Hearing, and rule on any pending motions, as necessary.